

**Addendum to the
Del Webb at San Juan Oaks Specific Plan
Subsequent Environmental Impact Report**

SCH #2013101006

The present proposal is the **First Amendment of the (December 3, 2015) Development Agreement
By and Among the County of San Benito, Pulte Homes Corporation and San Juan Oaks, LLC.**
County File PLN190013.

Previous Environmental Documentation

A Subsequent Environmental impact Report was prepared in accordance with the California Environmental Quality Act (CEQA) for the Del Webb at San Juan Oaks Specific Plan. Please reference <http://cosb.us/county-departments/public-works/planning-land-use-division/san-benito-county-del-webb-at-san-juan-oaks-specific-plan/>. The Del Webb at San Juan Oaks Specific Plan is to create an “active-adult community” (i.e., age-restricted to 55 years and older) including 1,017 single-family residences on approximately 176 acres and an approximately 17,500 to 25,000 square foot amenity center on approximately 10 acres. The second component would consist of 67 conventional (i.e., non-age restricted) single-family residential units, an up to 200-room resort hotel on approximately 35 acres, up to 65,000 square foot neighborhood commercial center on 14 acres, an approximately four-acre assisted living/skilled nursing/memory care facility with up to 100 beds.

The original project also includes the provision of a substantial amount of open space areas, as well as park and recreational facilities and agricultural and habitat preserves. This would include four private neighborhood hood parks (totaling approximately seven acres) in the adult-active community for use by Project residents; two community parks (totaling approximately 17 acres); and approximately 114 acres of common area open space, including landscaped areas and informal trails. The Project would also establish approximately 41 acres of on-site agricultural preserves, and set aside approximately 1,243 acres for permanent wildlife habitat preservation.

The San Benito County (County) Board of Supervisors made findings pursuant to CEQA and adopted the Subsequent Environmental Impact Report on November 3, 2015 by resolution and the Development Agreement by ordinance on November 3, 2015. The Environmental Impact Report and Subsequent Environmental Impact Report examined all environmental impacts of the project as compared to the existing environment in the vicinity of the project.

Triggers for Further Environmental Review Under CEQA

In an effort to provide a degree of finality, CEQA requires that, once an Environmental Impact Report has been completed, the lead agency may not require preparation of a subsequent environmental review under CEQA unless one of three triggering conditions exists as described below by State CEQA Guidelines Section 15162(a)(1–3):

(a) When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines Section 15164 states, in relevant part: “The lead agency or responsible agency shall prepare an addendum to a previously certified EIR [or adopted mitigated negative declaration] if some changes or additions are necessary but none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR have occurred.” Furthermore, although not required under the law, a lead agency may prepare an addendum to an Environmental Impact Report to evaluate changes to a project, changes in circumstances, or new information, and to document the agency’s determination that an environmental review under CEQA is not required. See Section 15164.

Addendum Pursuant To Section 15164

A project description for the proposed **First Amendment of the (December 3, 2015) Development Agreement By and Among the County of San Benito, Pulte Homes Corporation and San Juan Oaks, LLC** can be found in the PLN190013 project staff report presented to the County Planning Commission for its meeting of March 20, 2019, and incorporated here by reference. The Applicant is requesting to modify the terms of the 2015 Development Agreement by offering to pay the negotiated Community Benefit Fee (CBF) of \$5,559,000 “upfront” with a \$500,000 enhancement. The Development Agreement currently allows the developer to phase in this expense over subdivision map phases (over several years) of the project. The County would be free to apply this \$6,059,000 of immediate money to the general fund and is not encumbered by a contractual assignment of these potential financial resources. In trade, the applicant is asking to extend the term that development Impact Fees would remain locked in at the rates of the 2014 Impact fee schedule to March 31, 2029.

Presently, the negotiated term of the Development Agreement (DA) locks development impact fees at 2014 rates to March 31, 2023 (4 more years). Following that March 31, 2023 date, *without amendment to the Development Agreement*, the County would be able to collect the adjusted Impact Fees in place at the time of

building permit applications. The applicant's requested First Amendment to the DA would extend the "lock term" for the 2014 Impact Fee rates to March 31, 2029, for all commercial and residential construction.

There are items in the DA not proposed for adjustment, such as the requirement to form a Community Facilities District, a Geologic Hazards Assessment District, provide for construction of neighborhood parks and trail network, street improvements and other project infrastructure and on- and off-site improvements to State Route 156, Bixby Road, San Juan Oaks Drive and Union Road intersections, among others.

The items suggested for change by the applicant involve the timing of the payment of the negotiated Community Benefit Fee (CBF), and the extension of 2014 level Development Impact Fees for all 65,000 square feet of commercial construction, the 200-room hotel and the 1,084 homes of the Specific Plan.

Therefore, the current project could not lead to a substantial increase in the severity of previously identified significant effects. In addition, the setting of the project has changed minimally in the time since the prior review, and the circumstances under which the present project is undertaken would not in themselves require study revision to consider significant effects. Furthermore, no new information of substantial importance has surfaced in the interim to reveal significant effects or infeasibility of prior mitigation measures, and project proponents have not declined to adopt the mitigation measures.

For these reasons, the County has determined that none of the triggers under Section 15162 has occurred in connection with the County's consideration of the First Amendment of the (December 3, 2015) Development Agreement By and Among the County of San Benito, Pulte Homes Corporation and San Juan Oaks, LLC.